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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,792	10/22/1999	DENNIS T. MANGANO	9114-004-999	2354

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PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

EXAMINER

SPIVACK, PHYLLIS G

ART UNIT	PAPER NUMBER
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1614

DATE MAILED: 02/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/426,792

Applicant(s)

Mangano

Examiner

Phyllis Spivack

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 49-55 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-16 and 49-55 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is a β_1 -adrenergic selective blocking agent.
- II. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is an α_2 agonist.
- III. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is a nitrate.
- IV. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is a calcium channel blocker.

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- V. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is an ACE inhibitor.
- VI. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is a platelet inhibitor.
- VII. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is a thrombosis inhibitor.
- VIII. Methods for reducing cardiovascular disease complications following surgery under defined conditions, comprising administering a pharmacologic cardiovascular agent, wherein the cardiovascular agent is an agent not encompassed in one of the Groups supra.

The inventions are distinct, each from the other, for the following reasons:

The Groups have acquired a separate status in the art. Depending upon the particular agents contemplated, the Groups would be separately classified. A search for methods of use, comprising the administration of cardiovascular agents such as nitrates, does not suggest methods of use wherein an α_2 agonist is administered. The searches are not co-extensive. The Groups encompass hundreds of compounds resulting in an unreasonable search burden. Thus restriction for examination purposes, as indicated, is proper.

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Applicant is advised that to be complete, the reply to this requirement must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Any inquiry concerning this communication should be directed to Phyllis Spivack at telephone number (703) 308-4703.

February 1, 2002

A handwritten signature in black ink that reads "Phyllis Spivack". The signature is written in a cursive, flowing style.

**PHYLLIS SPIVACK
PRIMARY EXAMINER**